

EXHIBIT 2

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

CORNELL HOLDEN and MIGUEL)
MEJIA on behalf of)
themselves and all others)
similarly situated,)

Plaintiffs,)

vs.)

No.

1:17 Civ. 02192

THE PORT AUTHORITY OF NEW)
YORK AND NEW JERSEY, et)
al.,)

Defendants.)

-----)

* Pages 127-144 designated confidential. *

September 27, 2018

11:21 a.m.

Deposition of RICHARD AYLMER, held at
the offices of Winston & Strawn LLP, 200 Park
Avenue, New York, New York, before Laurie A.
Collins, a Registered Professional Reporter
and Notary Public of the State of New York.

<p style="text-align: right;">Page 2</p> <p>1</p> <p>2 A P P E A R A N C E S:</p> <p>3</p> <p>4 WINSTON & STRAWN LLP</p> <p>5 Attorneys for Plaintiffs</p> <p>6 200 Park Avenue</p> <p>7 New York, New York 10166-4193</p> <p>8 BY: EMILY C. ELLIS, ESQ.</p> <p>9 eellis@winston.com</p> <p>10 SETH E. SPITZER, ESQ.</p> <p>11 sspitzer@winston.com</p> <p>12 - and -</p> <p>13 THE LEGAL AID SOCIETY</p> <p>14 199 Water Street</p> <p>15 New York, New York 10038</p> <p>16 BY: CYNTHIA CONTI-COOK, ESQ.</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p style="text-align: right;">Page 4</p> <p>1</p> <p>2 S T I P U L A T I O N S</p> <p>3 IT IS HEREBY STIPULATED AND AGREED, by and</p> <p>4 among counsel for the respective parties hereto,</p> <p>5 that the filing, sealing, and certification of the</p> <p>6 within deposition shall be and the same are hereby</p> <p>7 waived;</p> <p>8 IT IS FURTHER STIPULATED AND AGREED that all</p> <p>9 objections, except as to form of the question,</p> <p>10 shall be reserved to the time of the trial;</p> <p>11 IT IS FURTHER STIPULATED AND AGREED that the</p> <p>12 within deposition may be signed before any Notary</p> <p>13 Public with the same force and effect as if signed</p> <p>14 and sworn to before the Court.</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>
<p style="text-align: right;">Page 3</p> <p>1</p> <p>2 A P P E A R A N C E S (continued):</p> <p>3</p> <p>4 THE PORT AUTHORITY OF NEW YORK AND NEW JERSEY</p> <p>5 Attorneys for Defendants</p> <p>6 150 Greenwich Street, 24th Floor</p> <p>7 New York, New York 10006</p> <p>8 BY: KATHLEEN GILL MILLER, ESQ.</p> <p>9</p> <p>10 ALSO PRESENT:</p> <p>11 BENJAMIN RUTKIN-BECKER (Legal Aid Society)</p> <p>12 DEVERELL WRITE, Videographer</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p style="text-align: right;">Page 5</p> <p>1 Proceedings</p> <p>2 THE VIDEOGRAPHER: We're going on the</p> <p>3 record at 11:21 a.m. on September 27, 2018.</p> <p>4 Please note that the microphones are</p> <p>5 sensitive and may pick up whispering and</p> <p>6 private conversations.</p> <p>7 Please place all cell phones away from</p> <p>8 the microphones as they can interfere with</p> <p>9 deposition audio.</p> <p>10 Audio and video recording will continue</p> <p>11 to take place unless all parties agree to go</p> <p>12 off the record.</p> <p>13 This is Media Unit 1 of the video-</p> <p>14 recorded deposition of Richard Aylmer taken by</p> <p>15 counsel for the plaintiff in the matter of</p> <p>16 Cornell Holden, et al., versus The Port</p> <p>17 Authority of New York and New Jersey, et al.</p> <p>18 This case is filed in the U.S. District Court</p> <p>19 for the Southern District of New York. We are</p> <p>20 here at the offices of Winston & Strawn</p> <p>21 located at 200 Park Avenue, New York, New</p> <p>22 York.</p> <p>23 My name is Deverell Write, representing</p> <p>24 Veritext Legal Solutions. The court reporter</p> <p>25 is Laurie Collins from Veritext Legal</p>

<p style="text-align: right;">Page 26</p> <p>1 Aylmer</p> <p>2 transfer?</p> <p>3 A. What do you mean by "automatic"?</p> <p>4 Q. Apologies. Let me clarify.</p> <p>5 So you testified that when you were</p> <p>6 promoted to sergeant you were automatically</p> <p>7 transferred as part of that promotion to John F.</p> <p>8 Kennedy; is that correct?</p> <p>9 A. Correct.</p> <p>10 Q. So when you were transferred back to</p> <p>11 The Port Authority Bus Terminal after your service</p> <p>12 at John F. Kennedy, was that also part of a</p> <p>13 promotion?</p> <p>14 A. Yes.</p> <p>15 Q. What promotion was that transfer?</p> <p>16 A. To lieutenant, from sergeant to</p> <p>17 lieutenant.</p> <p>18 Q. And when were you promoted to</p> <p>19 lieutenant?</p> <p>20 A. September of 2006.</p> <p>21 Q. And how long did you work at the bus</p> <p>22 terminal following your promotion from sergeant to</p> <p>23 lieutenant?</p> <p>24 A. I was assigned there until I retired,</p> <p>25 but basically 2016 I worked there till I was out.</p>	<p style="text-align: right;">Page 28</p> <p>1 Aylmer</p> <p>2 A. Yes, once or twice, not very often.</p> <p>3 Q. Did you ever patrol The Port Authority</p> <p>4 Bus Terminal restrooms as a police officer from</p> <p>5 July of '90 to January 2003?</p> <p>6 A. Not that I recall.</p> <p>7 Q. If you recall, approximately how many</p> <p>8 arrests did you make as a police officer at The</p> <p>9 Port Authority Bus Terminal from July of '90 to</p> <p>10 January of 2003?</p> <p>11 A. I would say probably close to a</p> <p>12 thousand arrests.</p> <p>13 Q. If you recall, were any of those 1,000</p> <p>14 or so arrests for public lewdness?</p> <p>15 A. I can't tell you specifically. I don't</p> <p>16 recall that.</p> <p>17 Q. And also if you recall, were any of</p> <p>18 those close to 1,000 arrests made for exposure of</p> <p>19 a person?</p> <p>20 A. Again, I couldn't specifically say</p> <p>21 "yes" or "no."</p> <p>22 Q. So I believe you said you were promoted</p> <p>23 to sergeant in 2003; is that correct?</p> <p>24 A. Sergeant in 2003, yes.</p> <p>25 Q. And during that time you worked</p>
<p style="text-align: right;">Page 27</p> <p>1 Aylmer</p> <p>2 Q. What do you mean, in 2016 you worked</p> <p>3 there until you were out?</p> <p>4 A. I went out sick before I retired. So I</p> <p>5 was assigned to the bus terminal, but I wasn't</p> <p>6 physically working.</p> <p>7 Q. Thank you.</p> <p>8 So going back to your work as a police</p> <p>9 officer at The Port Authority Bus Terminal, I</p> <p>10 believe you said from July of '90 to January 2003,</p> <p>11 what were your responsibilities as an officer</p> <p>12 during that time period?</p> <p>13 A. To enforce the law and basically to</p> <p>14 ensure the safe passage of the community through</p> <p>15 the terminal in and out to get their buses.</p> <p>16 Q. And what were your specific duties as a</p> <p>17 police officer at The Port Authority Bus Terminal</p> <p>18 from July of '90 to January of 2003?</p> <p>19 A. We were assigned patrol posts, we</p> <p>20 patrolled our area, and assisted the patrons in</p> <p>21 any way they needed help.</p> <p>22 Q. Did you ever police in plainclothes as</p> <p>23 part of your duties as a police officer at The</p> <p>24 Port Authority Bus Terminal from July of '90 to</p> <p>25 January of 2003?</p>	<p style="text-align: right;">Page 29</p> <p>1 Aylmer</p> <p>2 exclusively at John F. Kennedy; is that correct?</p> <p>3 A. No. It was once or twice that I worked</p> <p>4 at LaGuardia Airport, LaGuardia.</p> <p>5 Q. You did not work as a sergeant at The</p> <p>6 Port Authority Bus Terminal, though; is that</p> <p>7 correct?</p> <p>8 A. I don't remember. I don't believe so.</p> <p>9 I couldn't tell you specifically.</p> <p>10 Q. What were your responsibilities as a</p> <p>11 sergeant of The Port Authority Police Department</p> <p>12 at JFK?</p> <p>13 A. At JFK it was to oversee the tour, you</p> <p>14 know, go out and -- go out during the tour and</p> <p>15 drive around, see that the airport was, you know,</p> <p>16 everything seemed to be as it should be, check on</p> <p>17 the officers, make sure they were where they were</p> <p>18 supposed to be, make some roll calls, sign</p> <p>19 paperwork, and deal with any problems that came</p> <p>20 up.</p> <p>21 Q. What is a roll call?</p> <p>22 A. It's a sheet that tells you how to</p> <p>23 choose an officer to a post.</p> <p>24 Q. And I believe you testified you make</p> <p>25 some roll calls. Does that mean as a sergeant you</p>

8 (Pages 26 - 29)

Page 30

1 Aylmer
2 assigned those officers to those posts?
3 A. No. At Kennedy Airport the desk
4 officers assigned them, and we reviewed them and
5 gave them back to the desk officers. We didn't
6 make them.
7 Q. When you were promoted to the position
8 of sergeant, did you apply for that promotion?
9 A. Excuse me?
10 Q. Let me review the question. When you
11 were promoted to the position of sergeant, did you
12 apply for the promotion?
13 A. Yes.
14 Q. How did you apply for the promotion to
15 sergeant?
16 A. They put out a promotional
17 announcement, you submit a handwritten saying I'd
18 like to apply -- everybody is issued the sergeant
19 material. And you submit that you want to take
20 the test, and they schedule you to take the test.
21 Q. Did you receive any training after you
22 were promoted to sergeant?
23 A. Can you be a little more specific?
24 Q. Sure. Did you receive any training
25 related to the promotion to sergeant after you

Page 31

1 Aylmer
2 were promoted to sergeant?
3 A. Just some basic supervisory training
4 for a week or two, nothing really extensive.
5 Q. Do you recall what you learned in those
6 two weeks of supervisory training?
7 A. Not specifically.
8 Q. You mentioned your responsibilities as
9 a sergeant earlier. Were any of those new
10 responsibilities that were -- withdrawn.
11 Were any of those new responsibilities
12 that were particular to your promotion as sergeant
13 and not to your role as police officer?
14 MS. MILLER: Objection.
15 You may answer if you can.
16 A. Just checking the paperwork was
17 different.
18 Q. How was checking the paperwork
19 different?
20 A. Just to read reports that came in.
21 Q. What types of reports did you read as a
22 sergeant?
23 A. Aideds, people who were -- reports on
24 people who got injured, accident reports, CCRs for
25 crimes, any paperwork that came in.

Page 32

1 Aylmer
2 Q. What's a CCR?
3 A. Criminal complaint report.
4 Q. Is that paperwork that's associated
5 with an arrest?
6 A. Yes.
7 Q. As a sergeant were you responsible for
8 instructing police officers on how to patrol the
9 posts that they were assigned?
10 A. No.
11 Q. As a sergeant did you oversee those
12 police officers patrolling their assigned posts?
13 A. Yes.
14 Q. Were any of the patrols that you
15 supervised as a sergeant plainclothes patrols?
16 A. Not really.
17 Q. Are there plainclothes patrols at
18 John F. Kennedy Airport?
19 A. Yes.
20 Q. Approximately how many arrests --
21 withdrawn.
22 Did you make any arrests as a sergeant
23 at John F. Kennedy Airport?
24 A. No.
25 Q. And I believe that you testified that

Page 33

1 Aylmer
2 you were promoted to lieutenant in September of
3 2006; is that correct?
4 A. September of 2006.
5 Q. That's correct; yes?
6 A. Yes.
7 Q. And you worked as a lieutenant at The
8 Port Authority Bus Terminal from 2006 to 2016; is
9 that correct?
10 A. Yes.
11 Q. And did you apply for the promotion to
12 lieutenant?
13 A. Yes.
14 Q. Can you describe that application
15 procedure?
16 A. Exactly the same as sergeant: They put
17 out a memo that they're promoting; you put in a
18 handwritten. They gave everybody the material,
19 and you put in a handwritten. And they scheduled
20 you for the test, you took the test, and you went
21 on the lieutenants list.
22 Q. What is a handwritten? I should have
23 asked you earlier.
24 A. It's just a paper that says, you know,
25 the undersigned would request to be scheduled to

Page 90

1 Aylmer

2 complaint or some loud things you heard and you

3 would encounter a crime in progress.

4 Q. In 2014 was there a time when any

5 patrol of plainclothes officers included going

6 inside of a restroom?

7 A. I couldn't tell you exactly.

8 Q. During any of the shifts that you

9 worked as a lieutenant, do you recall if there

10 were plainclothes officers who were patrolling

11 inside of restrooms?

12 MS. MILLER: Objection.

13 You may answer.

14 A. I couldn't tell you exactly.

15 Q. You mentioned just a few minutes ago

16 sometimes someone from the general public would

17 report an incident. Does The Port Authority

18 Police Department receive civilian complaints for

19 incidents of public lewdness?

20 A. Occasionally.

21 Q. Have you ever personally received

22 complaints for public lewdness in The Port

23 Authority Bus Terminal restrooms?

24 A. Not off the top of my head.

25 Q. Who would typically receive civilian

Page 91

1 Aylmer

2 complaints for The Port Authority Bus Terminal?

3 A. Desk sergeant.

4 Q. Do you recall any specific civilian

5 complaints for public lewdness in The Port

6 Authority Bus Terminal restrooms?

7 A. No.

8 Q. Is public lewdness in the men's

9 restrooms of The Port Authority Bus Terminal a

10 usual occurrence in the bus terminal generally?

11 MS. MILLER: Objection.

12 You may answer.

13 A. I really couldn't say.

14 Q. Would you say that public lewdness is a

15 condition at The Port Authority Bus Terminal?

16 MS. MILLER: Objection.

17 You may answer.

18 A. What do you mean by "condition"?

19 Q. Let me rephrase.

20 Would you say public lewdness is a

21 common occurrence at The Port Authority Bus

22 Terminal?

23 MS. MILLER: Objection.

24 You may answer.

25 A. I really couldn't say.

Page 92

1 Aylmer

2 Q. In 2014 would you say that exposure of

3 a person was a common occurrence at The Port

4 Authority Bus Terminal?

5 MS. MILLER: Objection.

6 You may answer.

7 A. I don't believe so.

8 Q. In 2014 would you say that public

9 lewdness was a common occurrence at The Port

10 Authority Bus Terminal?

11 MS. MILLER: Objection.

12 You may answer.

13 A. I don't believe so.

14 Q. Have you ever discussed public lewdness

15 in the men's restrooms of The Port Authority Bus

16 Terminal with any other officers of The Port

17 Authority Police Department?

18 MS. MILLER: Objection.

19 You may answer.

20 A. Not to my recollection.

21 Q. Have you ever discussed the condition

22 of exposure -- sorry, let me withdraw that.

23 Have you ever discussed exposure of a

24 person in The Port Authority Bus Terminal men's

25 restrooms with any other officer of The Port

Page 93

1 Aylmer

2 Authority Police Department?

3 MS. MILLER: Objection.

4 You may answer.

5 A. Not that I could say.

6 Q. Has anyone ever told you about public

7 lewdness occurring -- let me withdraw that.

8 Has any officer of The Port Authority

9 Police Department ever told you about public

10 lewdness occurring in the men's restrooms of The

11 Port Authority Bus Terminal?

12 MS. MILLER: Objection.

13 You may answer.

14 A. Officers have reported it as a cause

15 for arrest.

16 Q. How many officers have reported it as a

17 cause for arrest to you specifically?

18 A. I couldn't tell you.

19 Q. How many approximately?

20 A. I really couldn't even give you the

21 approximate number.

22 Q. Do you recall which officers reported

23 to you that public lewdness was a cause for

24 arrest?

25 A. Not specifically.

Page 94

1 Aylmer

2 Q. Have you ever heard anyone mention

3 public lewdness in the men's restrooms of The Port

4 Authority Bus Terminal at a roll call?

5 A. Not that I recall.

6 Q. Have you personally ever mentioned

7 public lewdness in the men's restrooms of The Port

8 Authority Bus Terminal at a roll call?

9 A. No.

10 Q. Going back to civilian complaints, have

11 you ever received civilian complaints for the way

12 officers have policed public lewdness in the

13 restrooms at The Port Authority Bus Terminal?

14 A. No.

15 Q. Is public lewdness considered a

16 quality-of-life offense?

17 A. No.

18 Q. What is a quality-of-life offense?

19 A. Most -- usually low -- you know,

20 low-level crimes, violations like disorderly

21 conduct, loitering, soliciting, offenses like

22 that.

23 Q. Have you ever heard the term

24 "quality-of-life sweep"?

25 A. No.

Page 95

1 Aylmer

2 Q. Do you have any understanding of what

3 the term "sweep" is in the context of The Port

4 Authority Police Department?

5 A. Never really heard it used with The

6 Port Authority Police.

7 Q. While you worked at The Port Authority

8 Police Department, did the department have any

9 policies regarding how police should interact with

10 LGBTQ individuals during arrest?

11 A. Could you be a little more specific?

12 Q. Sure. Is there any -- withdrawn.

13 While you worked at The Port Authority

14 Police Department, did you ever receive any

15 guidance with how -- let me rephrase that.

16 While you worked at The Port Authority

17 Police Department, did you ever receive any

18 guidance on how to interact with LGBTQ+

19 individuals in the bus terminal generally?

20 A. Not really, no.

21 Q. Did the department ever provide any

22 trainings on how to interact with LGBTQ

23 individuals when you were stopping them for

24 arrests?

25 A. No, I don't believe so.

Page 96

1 Aylmer

2 Q. To your knowledge in 2014 did any

3 higher ranking officers order a police officer to

4 conduct a plainclothes patrol of the men's

5 bathrooms in The Port Authority Bus Terminal?

6 MS. MILLER: Objection.

7 You may answer.

8 A. No.

9 Q. To your knowledge in 2014 did any

10 higher-ranking officer order plainclothes patrols

11 to police for public lewdness in the men's

12 restrooms at The Port Authority Bus Terminal?

13 MS. MILLER: Objection.

14 You may answer.

15 A. No.

16 Q. To your knowledge in 2014 did any

17 higher-ranking officers order a police officer,

18 plainclothes patrol, to make arrests for exposure

19 of a person in bathrooms at The Port Authority Bus

20 Terminal?

21 MS. MILLER: Objection.

22 You may answer.

23 A. Say that again.

24 Q. Sure. To your knowledge in 2014 did

25 any higher-ranking officers order a police

Page 97

1 Aylmer

2 officer, plainclothes patrol, to make arrests for

3 exposure of a person in bathrooms at The Port

4 Authority Bus Terminal?

5 MS. MILLER: Objection.

6 You may answer.

7 A. No.

8 Q. Do you have any understanding of what

9 the tactical plainclothes unit is?

10 A. Very little.

11 Q. What is your understanding of the

12 tactical plainclothes unit?

13 A. Years ago when I first started, they

14 used to have a unit of police officers who worked

15 steady detail as plainclothes. It was done away

16 with. That was a tactical plainclothes unit.

17 Q. When was that unit done away with?

18 A. Probably in the nineties sometime.

19 Q. And you said a "steady detail." Does

20 that mean that they patrolled in plainclothes

21 full-time?

22 A. Yes.

23 Q. Where was the tactical plainclothes

24 unit stationed, if you recall?

25 MS. MILLER: Objection.

25 (Pages 94 - 97)

<p style="text-align: right;">Page 98</p> <p>1 Aylmer</p> <p>2 You may answer.</p> <p>3 A. I don't know the specific area. I was</p> <p>4 pretty new. They worked like near the detectives</p> <p>5 office, and they didn't work, you know, by our</p> <p>6 office. So I'm not sure exactly if they worked</p> <p>7 out of the detectives office or they had their own</p> <p>8 office. It was kind of before my time.</p> <p>9 Q. As a police officer of The Port</p> <p>10 Authority Police Department, did you ever receive</p> <p>11 any training about how to conduct patrols in</p> <p>12 plainclothes?</p> <p>13 A. No, not really.</p> <p>14 Q. In your experience as a Port Authority</p> <p>15 police officer, is patrolling in plainclothes</p> <p>16 different from patrolling in your uniform?</p> <p>17 A. Yes.</p> <p>18 Q. How so?</p> <p>19 A. You are able to mix in with the public</p> <p>20 easier, you have more ability to observe crimes</p> <p>21 being committed because people don't know you're a</p> <p>22 police officer, make different arrests sometimes</p> <p>23 because it's more crime as opposed to quality of</p> <p>24 life.</p> <p>25 Q. Are there types of arrests that</p>	<p style="text-align: right;">Page 100</p> <p>1 Aylmer</p> <p>2 A. Like the long-haul bus levels where</p> <p>3 people are -- people come from out of state and</p> <p>4 traveling back to out of state, they're very</p> <p>5 easily conned by these people, you know, by some</p> <p>6 element of the bus terminal.</p> <p>7 And, you know, if there's uniformed</p> <p>8 officers around, the uniformed officer is in one</p> <p>9 area, they go through another area. But with</p> <p>10 plainclothes the officers blended in. So these</p> <p>11 individuals will take action, and then the police</p> <p>12 are able to move in on them.</p> <p>13 Q. You said earlier, I believe, that</p> <p>14 plainclothes units are used more with crimes and</p> <p>15 less with quality-of-life offenses; correct?</p> <p>16 MS. MILLER: Objection.</p> <p>17 A. Right.</p> <p>18 Q. Can you explain what you mean by that?</p> <p>19 A. Well, like I just said, they might --</p> <p>20 in an area like the long-haul levels, they would</p> <p>21 be more apt to be able to get arrests, good</p> <p>22 arrests, such as thefts of cell phones that being</p> <p>23 charged, thefts of luggage from people who are</p> <p>24 sitting there and nod off, people who are swindled</p> <p>25 out of tickets; whereas a uniformed officer, as</p>
<p style="text-align: right;">Page 99</p> <p>1 Aylmer</p> <p>2 plainclothes policing is utilized to police?</p> <p>3 MS. MILLER: Objection.</p> <p>4 You may answer.</p> <p>5 A. Not really, not in these days, no.</p> <p>6 Q. What do you understand the purpose of</p> <p>7 plainclothes policing to be?</p> <p>8 A. Just to put out officers that are able</p> <p>9 to blend in more readily and have the ability to</p> <p>10 make arrests.</p> <p>11 Q. Are there patrols within The Port</p> <p>12 Authority Bus Terminal for which it would be</p> <p>13 better to have plainclothes officers than</p> <p>14 uniformed officers?</p> <p>15 MS. MILLER: Objection.</p> <p>16 You may answer.</p> <p>17 A. What do you mean by "patrols"?</p> <p>18 Q. Excuse me. I think I used the wrong</p> <p>19 term.</p> <p>20 Are there posts within The Port</p> <p>21 Authority Bus Terminal for which it would be</p> <p>22 better to have plainclothes officers rather than</p> <p>23 uniformed officers?</p> <p>24 A. Yes.</p> <p>25 Q. What are those posts?</p>	<p style="text-align: right;">Page 101</p> <p>1 Aylmer</p> <p>2 soon as the guy sees the uniform, he's gone.</p> <p>3 Q. Why are plainclothes units not as</p> <p>4 effective at policing quality-of-life crimes?</p> <p>5 A. I don't know if I'd say they were not</p> <p>6 effective. It's just -- how would -- how would I</p> <p>7 say it? It's kind of like an overkill, like, you</p> <p>8 know, don't need a uniformed officer -- you don't</p> <p>9 need a plainclothes guy to see somebody asking for</p> <p>10 a quarter by the ticket windows. That's -- a</p> <p>11 uniformed officer can do that.</p> <p>12 Q. I believe you said earlier that as a</p> <p>13 lieutenant you sometimes had officers report to</p> <p>14 you conduct in the men's bathrooms at The Port</p> <p>15 Authority Bus Terminal that gave rise to an</p> <p>16 arrest; is that correct?</p> <p>17 MS. MILLER: Objection.</p> <p>18 You may answer.</p> <p>19 A. Just state that one more time.</p> <p>20 MS. MILLER: Would you read that back,</p> <p>21 please.</p> <p>22 (Record read.)</p> <p>23 A. Yeah.</p> <p>24 Q. Do you recall any of those incidents</p> <p>25 specifically?</p>

Page 102

1 Aylmer

2 A. No, not specific ones.

3 MS. ELLIS: I'm going to ask you to

4 mark this as Exhibit 1.

5 (Aylmer Exhibit 1, arrest envelope,

6 Bates-stamped PA 001750 through 1777, marked

7 for identification.)

8 MS. MILLER: Let the record reflect

9 that I've been handed --

10 MS. ELLIS: It's Bates numbers

11 PA 001750. I believe actually all the pages

12 in this copy are stamped the same way. I'm

13 not sure if this is --

14 MS. MILLER: I have through PA 1777,

15 and then there's an extra page, which is

16 PA 1750, which is blank.

17 MS. ELLIS: Yes, that's correct.

18 Sorry, I was looking at the wrong place.

19 MS. MILLER: What is this, Aylmer 1?

20 MS. ELLIS: That's correct.

21 Q. Do you recognize the document that's

22 been placed in front of you as Aylmer 1?

23 MS. MILLER: Can I just have a second

24 because mine is upside-down.

25 MS. ELLIS: Why don't we go off the

Page 103

1 Aylmer

2 record.

3 THE VIDEOGRAPHER: The time on the

4 video monitor is 2:35 p.m. We're off the

5 record.

6 (Pause.)

7 THE VIDEOGRAPHER: We are back on the

8 record. The time on the video monitor is

9 p.m.

10 Q. So have you had a chance to review this

11 document?

12 A. I looked at all of them.

13 Q. Do you recognize this document?

14 A. This particular one?

15 Q. Yes, Exhibit 1 in front of you.

16 A. I'm pretty sure it's a photostat of the

17 arrest envelope, if I'm not mistaken.

18 Q. And can you describe the pages that

19 follow?

20 A. Let's see. This page here --

21 MS. MILLER: You have to go by Bates

22 number. Beginning with I guess page 1751, is

23 that the one you want to begin with.

24 A. They're all 1751, aren't they?

25 MS. MILLER: It's upsides down in

Page 104

1 Aylmer

2 yours, I think.

3 A. 1750. Okay. 1751 is the back side of

4 a CCR.

5 Q. And 1752 --

6 A. Is the front side. And 1753 is a

7 follow-up CCR. 1754 I believe is the back of the

8 follow-up CCR. 1755 looks like a photostat of the

9 arrest envelope again. 1756, this is a desk

10 appearance ticket investigation sheet, and 1757 is

11 the back side of the DAT investigation sheet.

12 And 1758 is a copy of The Port

13 Authority booking sheet. 1759 is an affidavit

14 from the district attorney. 1760 is some pedigree

15 information in the DL on an individual. 1761 is a

16 cover sheet for the fax machine when we fax

17 something.

18 1762 is a picture of an individual,

19 male black. 1763 is a request to CPD for an NCIC

20 check. 1764 is a response from CPD on that check.

21 1755 is again part of the response from CPD on

22 that check. 1766 is part of a response from CPD

23 on that check.

24 1767 is a fax cover sheet used when we

25 fax things. 1768 is an online booking arrest

Page 105

1 Aylmer

2 worksheet. 1769 is the back side of the arrest

3 booking worksheet. 1770 is a CCR. 1771 appears

4 to be the back side of the CCR.

5 1772 appears to be an online booking

6 sheet. 1773 appears to be the back side of an

7 online booking sheet. 1774 is again an online

8 booking sheet. 1750 is the back side of an online

9 booking sheet. 1777 --

10 MS. MILLER: 9771 was next.

11 A. 1776 was blank, wasn't it?

12 MS. MILLER: No.

13 A. My mistake. I'm sorry. 1776 is again

14 a request for an NCIC check, a request for an NCIC

15 check. 1777 is a desk appearance ticket.

16 And that's all I have.

17 Q. Thank you.

18 If you could turn your attention to

19 page PA 1776.

20 A. 1776. Correct.

21 Q. If you could look at the top of the

22 sheet when the box starts that says tour

23 commander -- and I think it's a misspelling -- but

24 lieutenant it looks like it says Aylmer.

25 A. Yes.

<p style="text-align: right;">Page 126</p> <p>1 Aylmer</p> <p>2 A. It could have been anybody who was</p> <p>3 working that day that was higher than him.</p> <p>4 MS. ELLIS: I'm going to ask you to</p> <p>5 mark this as Exhibit 2. Before we do that, I</p> <p>6 need to designate this portion of the</p> <p>7 transcript as confidential. This exhibit is</p> <p>8 also confidential.</p> <p>9 (The following portion has been</p> <p>10 designated confidential.)</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p style="text-align: right;">Page 128</p> <p>1 Aylmer - Confidential</p> <p>2 MS. MILLER: I'm sorry, would you read</p> <p>3 that page again, please?</p> <p>4 MS. ELLIS: I will, yes. Just to</p> <p>5 clarify, I'm talking about the small number --</p> <p>6 there's a second page number on this as well.</p> <p>7 It's PA 1820, 1820.</p> <p>8 Q. Do you see under "tour commander" where</p> <p>9 it says Lieutenant Aylmer?</p> <p>10 A. Yes.</p> <p>11 Q. Is that you?</p> <p>12 A. That's my name, yeah.</p> <p>13 Q. Does that mean that you were the tour</p> <p>14 commander at the time of this arrest?</p> <p>15 A. Probably, unless he put it down at the</p> <p>16 time he sent the paperwork in. Okay, yes, I was</p> <p>17 the tour commander.</p> <p>18 Q. Okay. Let's turn back to page 1811.</p> <p>19 What do you recognize this form to be?</p> <p>20 A. This is a criminal complaint report.</p> <p>21 Q. And as the tour commander, would you</p> <p>22 have reviewed the criminal complaint report for</p> <p>23 this arrest?</p> <p>24 A. Not -- well, not necessarily, no.</p> <p>25 Q. Under what circumstances would you have</p>
<p style="text-align: right;">Page 127</p> <p>1 Aylmer - Confidential</p> <p>2 (Aylmer Exhibit 2, arrest paperwork,</p> <p>3 Bates-stamped PA 1810 through PA 1832, marked</p> <p>4 for identification.)</p> <p>5 MS. ELLIS: The Bates stamps for this</p> <p>6 document are PA 1810 through PA 1832.</p> <p>7 And let's go off the record while the</p> <p>8 witness reviews.</p> <p>9 THE VIDEOGRAPHER: The time on the</p> <p>10 video monitor is 3:34 p.m. We're off the</p> <p>11 record.</p> <p>12 (Pause.)</p> <p>13 THE VIDEOGRAPHER: We're back on the</p> <p>14 record. The time on the video monitor is</p> <p>15 p.m.</p> <p>16 Q. Have you had an opportunity to review</p> <p>17 the document marked as Exhibit 2?</p> <p>18 A. Yes.</p> <p>19 Q. And what do you understand this</p> <p>20 document to be?</p> <p>21 A. It looks like copies of some arrest</p> <p>22 paperwork from the bus terminal.</p> <p>23 Q. And if you could turn to page</p> <p>24 PA 001820. I recognize that this one is also</p> <p>25 stamped --</p>	<p style="text-align: right;">Page 129</p> <p>1 Aylmer - Confidential</p> <p>2 reviewed this complaint report as the tour</p> <p>3 commander?</p> <p>4 A. If it was turned in while I was</p> <p>5 working.</p> <p>6 Q. If it was turned in -- withdrawn.</p> <p>7 Does the tour commander review every</p> <p>8 CCR submitted to him -- let me withdraw that.</p> <p>9 Are tour commanders responsible for</p> <p>10 reviewing every CCR submitted to them while</p> <p>11 they're on duty for a specific shift?</p> <p>12 MS. MILLER: Objection.</p> <p>13 You may answer.</p> <p>14 A. No.</p> <p>15 Q. Do officers submit CCRs to other</p> <p>16 sergeants or lieutenants who are on duty at the</p> <p>17 same time as the tour commander?</p> <p>18 MS. MILLER: Objection.</p> <p>19 You may answer.</p> <p>20 A. Most paperwork, including CCRs, are</p> <p>21 first submitted to the sergeant, and he reviews it</p> <p>22 and then puts it in a box for a lieutenant.</p> <p>23 Q. Are all CCRs reviewed by the sergeant</p> <p>24 also reviewed by the lieutenant or does the</p> <p>25 sergeant distinguish between which CCRs need to be</p>

<p style="text-align: right;">Page 130</p> <p>1 Aylmer - Confidential</p> <p>2 reviewed by a lieutenant?</p> <p>3 A. No, all get reviewed by a lieutenant</p> <p>4 eventually.</p> <p>5 Q. Turning to page 1813, if you would</p> <p>6 review number 83, the additional details of</p> <p>7 complaint. Let me know when you're finished.</p> <p>8 (Pause.)</p> <p>9 Q. Ready?</p> <p>10 A. Yep.</p> <p>11 Q. Having reviewed this narrative, do you</p> <p>12 believe that the narrative supports a charge of</p> <p>13 public lewdness?</p> <p>14 A. Yes.</p> <p>15 Q. Do you believe that all of the elements</p> <p>16 of public lewdness are included in this narrative?</p> <p>17 A. Yes.</p> <p>18 Q. Having read this narrative, do you</p> <p>19 believe that all of the elements of exposure of a</p> <p>20 person are included in this narrative?</p> <p>21 A. Yeah.</p> <p>22 Q. And having read this narrative, do you</p> <p>23 believe that the narrative supports a charge of</p> <p>24 exposure of a person?</p> <p>25 MS. MILLER: Would you read that back?</p>	<p style="text-align: right;">Page 132</p> <p>1 Aylmer - Confidential</p> <p>2 likely.</p> <p>3 Q. Do you know how many arrests for public</p> <p>4 lewdness occurred in 2014 at The Port Authority</p> <p>5 Bus Terminal?</p> <p>6 A. No.</p> <p>7 Q. Do you know how many arrests occurred</p> <p>8 for public lewdness in the men's restrooms of The</p> <p>9 Port Authority Bus Terminal in 2014?</p> <p>10 A. No.</p> <p>11 Q. In 2014 there were approximately 60</p> <p>12 arrests for public lewdness in the men's</p> <p>13 bathrooms. Does that seem unusual to you in all</p> <p>14 of your experience as a Port Authority police</p> <p>15 officer?</p> <p>16 MS. MILLER: Objection.</p> <p>17 You may answer.</p> <p>18 A. 60 arrests for the entire year?</p> <p>19 Q. Correct, in 2014 there were</p> <p>20 approximately 60 arrests for public lewdness in</p> <p>21 the men's bathrooms at The Port Authority Bus</p> <p>22 Terminal. Does that seem unusual to you in all of</p> <p>23 your experience as a Port Authority police officer</p> <p>24 at The PABT, Port Authority Bus Terminal?</p> <p>25 MS. MILLER: Objection.</p>
<p style="text-align: right;">Page 131</p> <p>1 Aylmer - Confidential</p> <p>2 What was the last part?</p> <p>3 (Record read.)</p> <p>4 A. Yes, I would think so.</p> <p>5 Q. So do you see where it says, standing</p> <p>6 approximately 1 foot from urinal?</p> <p>7 A. Yeah.</p> <p>8 Q. How far away typically does a man need</p> <p>9 to stand from a urinal in order to urinate?</p> <p>10 MS. MILLER: Objection.</p> <p>11 You may answer.</p> <p>12 A. I think it kind of depends. Some</p> <p>13 closer than others, you know. You know, two, a</p> <p>14 couple inches. Most people are very close, not, a</p> <p>15 foot is kind of impressed with yourself, I guess.</p> <p>16 Q. In 2014 were there any reports of</p> <p>17 sexual behavior happening in the men's bathrooms</p> <p>18 at The Port Authority Bus Terminal?</p> <p>19 A. Can you be more specific?</p> <p>20 Q. Sure. In 2014 were there any civilian</p> <p>21 complaints of sexual behavior occurring in the</p> <p>22 men's bathrooms at The Port Authority Bus</p> <p>23 Terminal?</p> <p>24 A. I can't tell you of specific</p> <p>25 complaints, but in general I would say most</p>	<p style="text-align: right;">Page 133</p> <p>1 Aylmer - Confidential</p> <p>2 You may answer.</p> <p>3 A. I really couldn't say based on the</p> <p>4 ratios. I have no knowledge of ratios of what --</p> <p>5 how many -- how many arrests for what took place</p> <p>6 each year.</p> <p>7 Q. When I asked you if there were any</p> <p>8 civilian complaints in 2014 for sexual behavior</p> <p>9 occurring in the men's bathrooms at The Port</p> <p>10 Authority Bus Terminal, I believe you testified</p> <p>11 that you would say it was most likely; is that</p> <p>12 correct?</p> <p>13 MS. MILLER: Objection.</p> <p>14 You may answer.</p> <p>15 A. I think so.</p> <p>16 Q. Why do you believe it is likely that</p> <p>17 there were complaints of sexual behavior in the</p> <p>18 men's bathrooms in The Port Authority Bus Terminal</p> <p>19 in 2014?</p> <p>20 A. Because the bus terminal and the</p> <p>21 surrounding area has always had a history, long</p> <p>22 before I got there, of, you know, sexual activity</p> <p>23 in the building.</p> <p>24 Q. Can you describe that history? Excuse</p> <p>25 me. Can you describe your understanding of the</p>